Rules Amending Title 19 Hawaii Administrative Rules

(Date to be Adopted)

1. Chapter 150, Subtitle 6, of Title 19, Hawaii Administrative Rules, entitled "Parking for Persons with Disabilities" is amended and compiled to read as follows:

"HAWAII ADMINISTRAIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 6 STATEWIDE TRANSPORTATION PLANNING OFFICE

CHAPTER 150

PARKING FOR PERSONS WITH DISABILITIES

19-150-1	Purpose and scope
19-150-2	
19-150-3	Severability
19-150-4	Definitions
19-150-5	Processing of the disabled persons parking
	permit application
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	windshield placard and special license
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19-150-9	Parking privileges
	Display of removable windshield placard
	Nontransferability
	Penalties
	Reciprocity
19-150-14	Signage and marking of parking spaces

§19-150-2 Interpretation. These rules shall be construed liberally and consistent with the purpose stated in Section 19-150-1. [Eff 12/31/84; am and comp 4/18/94, am and comp] (Auth: HRS §291-56) (Imp: HRS §291-56; 23 CFR part 1235)

§19-150-3 Severability. These rules are declared to be severable and if any portion or the application thereof to any person, circumstance, or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons, circumstances, or property shall not be affected. [Eff 12/31/84; am and comp 4/18/94, am and comp]

(Auth: HRS §291-56) (Imp: HRS §291-56; 23 CFR part 1235)

§19-150-4 <u>Definitions</u>. As used in this chapter, unless the context clearly indicates otherwise:

"Certificate of disability" means a form designed by the state department of transportation, and signed by a licensed practicing physician who verifies that the person is a <u>disabled</u> person [with a disability or a disabled person] as defined in <u>this section</u> [Hawaii Revised Statutes (HRS), section 291-51 and this chapter, which limits or impairs the ability to walk. This form must accompany any requests for a parking permit for a disabled person].

"Disabled person" or "person with disability" means a person with a disability [which limits or impairs] who is limited or impaired in the ability to walk, and who, as determined by a licensed practicing physician:

- (1) Cannot walk two hundred feet without stopping to rest due to a diagnosed arthritic, neurological, or orthopedic condition;
- (2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other [assisting] <u>assistive</u> device;
- (3) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (4) Uses portable oxygen; or
- (5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association[, 1964 6th Edition, Boston Little Brown and Company].

"Enforcement officer" means a police officer of the county or a private security guard. "International Symbol of Access" means the symbol adopted by the Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled.

"Issuing agency" means county agencies authorized by the state department of transportation to process and issue disabled person applications and parking permits on its behalf.

"Legal resident of the State of Hawaii" means one who is domiciled in the State of Hawaii.

"Licensed practicing physician" means a doctor of medicine [and surgery] or osteopathy [as defined in the] duly licensed and authorized to practice in the State of Hawaii in accordance with HRS, chapters 453 and 460 [whether in private practice or governmental service].

"Parking permit" means the removable windshield placard, temporary removable windshield placard, or special license plates.

"Parking space reserved for disabled persons" means a <u>public or private</u> parking space [which is: Publicly owned, metered or unmetered; reserved for the parking of a motor vehicle driven by or for a disabled person or persons; and clearly identified, by signs and markings, for the parking of a motor vehicle carrying a disabled person.] <u>designated for the use of</u> a disabled person that is:

- (1) Designed and constructed in compliance with the requirements of the federal Americans with Disabilities Act of 1990, as amended, and related rules and guidelines;
- (2) Marked with a sign designating the parking space as reserved for disabled persons; or
- (3) Otherwise clearly designated for the use of disabled persons.

"Placard" means the removable windshield placard or temporary removable windshield placard.

"Removable windshield placard" means a two-sided, hanger-style placard issued to a person who has been certified with a disability which is permanent in accordance with HRS, section 291-51, and which includes on each side:

- (1) The International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a blue shield;
- (2) An identification number;
- (3) A date of expiration; and
- (4) The seal of the State of Hawaii.

"Sign designating the parking space as reserved for disabled persons" means a sign which complies with the uniform standard prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways (incorporated by reference in 23 CFR Part 655, Subpart F), and which contains:

- (1) The words, "Reserved Parking";
- (2) The International Symbol of Access;
- (3) Words indicating that the space is reserved for parking by disabled persons who have a valid parking permit; and
- (4) The maximum fine for parking illegally in the space.

"Special license plates" means license plates issued[, upon request,] to a person who has been certified with a disability which is permanent in accordance with HRS, section [219-51, that Displays the International Symbol of Access:

- (1) In a color that contrasts to the background; and
- (2) In the same size as the letters and numbers on the plate.]

291-51, and displays the international symbol of access in a color that contrasts to the background, and in the same size as the letters and numbers on the plate.

"Temporary removable windshield placard" means two-sided, hanger-style placard, issued to a person who has been certified with a temporary disability up to a period of six months and includes on each side:

- (1) The International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a red shield;
- (2) An identification number;
- (3) A date of expiration;
- (4) The seal of the State of Hawaii; and

- (5) Silhouetted with the [work] word
 "TEMPORARY". [Eff 12/31/84; am and
 comp 4/19/94, am and comp]
 (Auth: HRS §291-56) (Imp: HRS §291-51; 23
 CFR part 655, subpart F; 23 CFR part 1235)
- §19-150-5 Processing of the disabled persons parking permit applications. The following provisions shall govern the application process for removable windshield placards, temporary removable windshield placards, special license plates, and identification cards to "persons with disabilities":
 - (1) In order to be considered for issuance of a parking permit and identification card, an applicant must present a completed application to the issuing agency on the island of the applicant's residency. This form shall be provided to the applicant by the issuing agency. The certificate of disability section of the form shall be completed by a licensed practicing physician who shall certify that the applicant is a person with a disability which limits or impairs the ability to walk in accordance with HRS, section 291-51, and this chapter.
 - (2) Reasons for which an application may be rejected, shall include but not be limited to:
 - (A) Any portion of the application or certificate of disability is illegible or incomplete; or
 - (B) There are discrepancies within any portion or the application or certificate of disability which may indicate fraudulent tampering.

- (3) [The following disabilities in and of themselves do not qualify a person as being a person with a disability which limits or impairs the ability to walk unless a licensed practicing physician endorses and justifies that the applicant is a disabled person:] Individuals who belong to any of the following classes do not qualify for a parking permit based solely on such status:
 - (A) Persons who have a visual [problem]
 impairment;
 - (B) Persons who have a mental illness;
 - (C) Persons who are old; or
 - (D) Persons who are infants.
- (4) The applicant shall present proof of being the person named on the application form.
- (5) Applicants who have been certified with permanent disabilities shall present proof of being a legal resident of the State of Hawaii by providing one of the following:
 - (A) Current Hawaii drivers license;
 - (B) State of Hawaii ID;
 - (C) Evidence of Hawaii voter registration;
 - (D) State of Hawaii Tax Clearance Certificate of Residency Status; or
 - (E) Valid military ID by active military personnel who are stationed in Hawaii.

- §19-150-6 The issuance of disabled persons parking permits. [(a) Before being issued a parking permit, each applicant must be a disabled person or person with a disability as defined in the HRS, section 291-51, and this chapter. The applicant shall present proof of being the person named on the application form. In addition:
 - (1) Persons who have been certified with disabilities which are permanent shall present proof of being a legal resident of the State of Hawaii by providing one of the following:
 - (A) Current State of Hawaii driver license;
 - (B) State of Hawaii ID;
 - (C) Evidence of State of Hawaii voter registration;
 - (D) State of Hawaii, Tax Clearance Certificate of Residency Status; or
 - (E) Valid military ID by active military personnel who are stationed in the State of Hawaii.
 - (2) Each applicant who has been determined to be permanently disabled by a licensed practicing physician shall:
 - (A) Upon payment of an appropriate application fee as may be required by the county, be issued a removable windshield placard and an identification card effective for a maximum period of four years;
 - (B) Be issued an identification card identifying the applicant as a person with a disability which limits or impairs the ability to walk; and
 - (C) Upon request and payment of an appropriate application fee as may be required by the county, be issued a second removable windshield placard to applicants who do not have special license plates effective for a maximum period of four years.

- (3) Every person with a disability who wishes to make an application for a parking permit or special license plates must make the application in person unless the applicant's certificate of disability states that for medical reasons, the applicant is unable to apply in person and may authorize another person to make the application in his or her stead.
- (b) Upon request and presentation of an approved application, each county shall issue special license plates which:
 - (1) Assures that the vehicle is registered in the permittee's name and used primarily to transport the permittee;
 - (2) Costs not more than the fee charged for similar license plates for the same class vehicle; and
 - (3) At the end of four years, the special license plates shall expire and the permittee shall resubmit a completed application except that a certification of disability is not required if the permittee was deemed to be permanently disabled during the initial application.

Before issuing special license plates, the county director of finance shall confirm that the applicant is the registered owner of the vehicle.

- (c) Each applicant who has been determined to be temporarily disabled by a licensed practicing physician shall:
 - (1) Be charged an appropriate application fee as may be required by the county for each temporary removable windshield placard and issued an ID card with the word "temporary" silhouetted conspicuously on the face of the card;
 - (2) Be issued a temporary removable windshield placard valid for a maximum of six months from the date of issuance of a certificate of disability; and

- (3) Upon the request and payment of an appropriate application fee as may be required by the county, be issued a second temporary removable windshield placard which has the same expiration date as the original.
- (a) For applicants who have been certified to be permanently disabled, the issuing agency:
 - registered in the applicant's name and that such vehicle will be used primarily to transport the applicant, and upon payment by the applicant of an appropriate special license plate fee as may be required by the county, shall issue special license plates and an identification card, effective for a period up to four years. The fee for the special license plates shall not be more than for regular license plates for the same vehicle class; or
 - (2) May issue a removable windshield placard and an identification card, effective for a period up to four years; and upon request, may issue a second removable windshield placard having the same effective period as the first placard, to applicants who do not have special license plates.
- (b) For applicants who have been certified to have a temporary disability, the issuing agency may:
 - (1) Issue a temporary removable windshield placard, and an identification card with the word "TEMPORARY" overprinted on the face of the card. The expiration date of this permit shall be based on the period of disability specified in the certificate of disability, and shall not exceed six months after date of issuance; and

- §19-150-7 [Request for] Renewal or replacement of [lost, stolen, or mutilated] removable windshield placard [or] and special license plates. (a) To replace a parking permit or identification card that has been [either]lost, stolen, or mutilated, the disabled person shall:
 - (1) Submit a request for replacement, in writing to the appropriate county agency, stating the permit number, and the date the permit, placard or license plate was stolen, lost, or mutilated. In the event special license plates are stolen, a police report must accompany the request for replacement;
 - (2) Submit a new completed Disabled Persons
 Parking Permit [application with the]

 application. The replacement requirements
 [being identical to] are the same as those
 governing the initial application except
 that a new certification of disability is
 not required if the disabled person has
 [once] been certified as being permanently
 disabled;
 - (3) Surrender any remaining items relating to the current parking permit to the issuing agency; and
 - (4) For special license plates, pay the costs and fees as required by the issuing agency, but in an amount not to exceed the fee for a regular license plate for the same vehicle class.

- (b) To renew a disabled parking permit and identification card, the disabled person shall:
 - (1) Prior to the expiration date of the placard or special license plate, submit a completed Disabled Persons Parking Permit application.
 - (2) For removable windshield placards and special license plates, where the applicant has been previously certified as permanently disabled, a new certification of disability is not required.
 - (3) For temporary removable windshield placards, a new certification of disability is required.
- §19-150-8 Returning of parking permits and identification cards. (a) The removable windshield placard, temporary removable windshield placard, and identification card are the property of the issuing agency and shall be returned to the issuing agency [upon]:
 - (1) [Permit application expiration] When the permit expires;
 - (2) [Death of the permittee] <u>Upon the death of</u> the disabled person; or
 - (3) [Permittee] When the person is no longer qualified per HRS, section 291-51.
- (b) Special license plates shall be returned [by
 the disabled person] to the [county department of
 finance] issuing agency:

- (1) Prior to the transfer of ownership of a vehicle to another party. The transfer of ownership for a vehicle shall not be recorded until the special license plates assigned to that vehicle has been replaced or returned to the [county department of finance] issuing agency;
- (2) [Upon its expiration] When the special license plates expire;
- (3) When the person no longer meets HRS, section 291-51 requirements; or

§19-150-9 Parking privileges. (a) Only a vehicle displaying [a] special license [plate] plates, a removable windshield placard, or a temporary removable windshield placard may be able to park in a public or private parking space reserved for disabled persons, subject to applicable requirements of the space and the limitations of subsection (b).

- (b) A vehicle displaying [a] special license [plate] <u>plates</u>, <u>a</u> removable windshield placard, or <u>a</u> temporary removable windshield placard may park:
 - (1) Without payment of any parking meter fees, in a public metered parking space reserved for disabled persons.
 - (2) [In any other publicly owned parking space, without payment of (A) parking fees for the first two-and-a-half hours in an unmetered lot, or (B)] Without payment of parking meter fees for the first two-and-a-half hours or the maximum time the meter allows, whichever is longer, in a public metered parking [lot] space.

Nothing in this subsection shall entitle any disabled person to park in a space reserved for someone other than a disabled person. [Eff 12/31/84; am and comp 4/18/94, am and comp] (Auth: HRS §291-56) (Imp: HRS §291-55; 23 CFR part 1235)

- §19-150-10 <u>Display of removable windshield</u> <u>placard [and its privileges]</u>. (a) The removable windshield placard or temporary removable windshield placard shall be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror at all times when parking privileges pursuant to section 19-150-9 are desired. When there is no rearview mirror, the placard shall be displayed on the dashboard.
- (b) The disabled person operating or being transported in the vehicle being parked or left standing shall carry on his or her person, a current identification card and present it to any enforcement officer upon request. [Eff 12/31/84; am and comp 4/18/94, am and comp]
 (Auth: HRS §291-56) (Imp: HRS §291-54; 23 CFR part 1235)
- §19-150-11 Nontransferability. The removable windshield placard, temporary removable windshield placard, special license plates, and identification card are nontransferable. No person other than the disabled person shall park or cause to stand a motor vehicle displaying a placard or special license plates
 - (1) in a parking space reserved for [the] disabled persons, as defined in section 19-150-4, or

- §19-150-12 <u>Penalties</u>. (a) Any person who knowingly falsifies an application for a removable windshield placard, temporary removable windshield placard, special license plates, and identification card, or any renewal or replacement thereof, shall be subject to <u>suspension or</u> revocation of the placard, special license plates, or identification card. [County ordinances shall govern the penalties for the illegal use of parking spaces designated for disabled persons.]
- (b) An unauthorized person using the removable windshield placard, temporary removable windshield placard, or special license plates to obtain the special parking privileges authorized under this section or otherwise afforded by the State or counties, shall be guilty of a traffic infraction under chapter 291D and fined not less than \$150 nor more than \$300. The unauthorized use of disabled parking permits shall also be subject to suspension or revocation of these permits.
- (c) A person who uses a parking space reserved for disabled persons, as defined in section 19-150-4, without displaying a removable windshield placard, a temporary removable windshield placard, or special license plates, shall be guilty of a traffic infraction under chapter 291D and fined not less that \$150 nor more than \$300.

- §19-150-13 Reciprocity. The State of Hawaii, counties, and private property owners shall recognize removable windshield placards, temporary removable windshield placards, and special license plates which have been issued by authorities of other states and countries, for the purpose of identifying [vehicles] persons permitted to [utilize parking spaces reserved for persons with disabilities.]:
 - (1) Utilize parking spaces reserved for disabled persons, or
 - (2) Exercise other parking privileges afforded by the State, counties, or private property owners for the benefit of disabled persons.

 [Eff 12/31/84; am and comp 4/18/94, am and comp] (Auth: HRS §291-56) (Imp: HRS §291-51.7; 23 CFR part 1235)
- §19-150-14 [Grandfather clause. The counties may issue new removable windshield placards and special license plates to persons already holding valid county permits who qualify as a "person with a disability" under this chapter without a new medical verification provided permittee pays fees and costs as required by this chapter.] Signage and marking of parking spaces. (a) Parking spaces designated as reserved for disabled persons shall be identified as follows:
 - (1) The parking space shall be posted with the following notice signs:

- (A) A reserved parking sign with the dimensions; background, text and graphic colors; and text and graphic sizes as shown on the "Typical Reserved Parking Sign for Disabled Persons" (Exhibit 1) and "Typical Reserved Parking Sign for Van Accessible Stall" (Exhibit 2), dated 3/15/00, at the end of this chapter and made a part of this section. The reserved parking sign shall be located at the front of the parking space as shown on the "Typical Perpendicular Parking Stall" (Exhibit 4) and "Typical Angle Parking Stall for One Way Traffic" (Exhibit 5), dated 3/15/00, at the end of this chapter and made a part of this section. The reserved parking sign shall be mounted high enough above the ground to be readily visible from the driver's seat of an occupied vehicle parked in the parking space. The reserved parking sign shall not be mounted so as to be obstructed from view by a vehicle parked in the parking space.
- (B) If the parking space is designed to accommodate a passenger van, a vanaccessible sign with the dimensions, background and text colors, and text size shown on Exhibit 2 at the end of this chapter. The van-accessible sign shall be posted immediately below the reserved parking sign.
- (C) A tow away sign warning with the dimensions, background and graphic colors, and graphic sizes shown on Exhibits 1 and 2 at the end of this chapter. The tow away sign shall be posted immediately below the reserved parking sign and van-accessible sign, if any.

- (D) A tow information sign, in conformance with section 290-11, HRS, warning potential parkers that an unauthorized vehicle parked or standing in the parking space many be towed away at the owner's expense and stating the location to which the vehicle will be towed and held. The tow information sign shall have the dimensions, background and text colors, and minimum text shown on the "Typical Tow Information Sign" (Exhibit 6) dated 3/15/00, at the end of this chapter and made a part of this section. The tow information sign shall be placed in a location reasonably calculated to call the sign to the attention of potential parkers.
- (2) The parking space shall be striped in blue paint on two sides of the parking space in the form and manner shown in Exhibits 4 and 5 at the end of this chapter. The striping shall be four (4) inches in width.
- (b) Access aisles are accessible pedestrian spaces adjacent to parking spaces reserved for disabled persons that provide for clearances appropriate for use of the parking space. Access aisles shall be identified as follows:
 - (1) Van access aisles shall be posted with the following notice signs:
 - (A) A no parking sign with the dimensions, background and text colors, and text sizes shown on the "Typical Access Aisle Sign" (Exhibit 3) dated 3/15/00, at the end of this chapter and made a part of this section. The no parking sign shall be located in the van access aisle as shown on Exhibit 4 at the end of this chapter. The no parking sign shall not be mounted so as to obstruct

ingress or egress from a vehicle parked
in the parking space.

§19-150-14

- (B) A tow away sign warning with the dimensions, background and graphic colors, and graphic sizes shown on Exhibits 1 and 2 at the end of this chapter. The tow away sign shall be posted immediately below the no parking sign.
- (2) Access aisles, other than van access aisles, shall not require additional signage. An additional tow information sign, as specified in section 19-150-14, shall not be required for access aisles, including van access aisles, associated with parking spaces reserved for disabled persons.
- Access aisles shall be outlined in blue paint except on the curb side of the space and shall be diagonally striped in blue paint within the outline. The outline and diagonal striping shall be four inches in width. The diagonal striping shall be at a 45 degree angle to the outline and shall be installed in the form and manner shown on Exhibits 4 and 5 at the end of this chapter.

- 2. Material, except source notes, to be repealed is bracketed. New material is underscored.
- 3. Additions to update source notes to reflect these amendment and compilation are not underscored.
- 4. These amendments to and compilation of chapter 19-150, Hawaii Administrative Rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

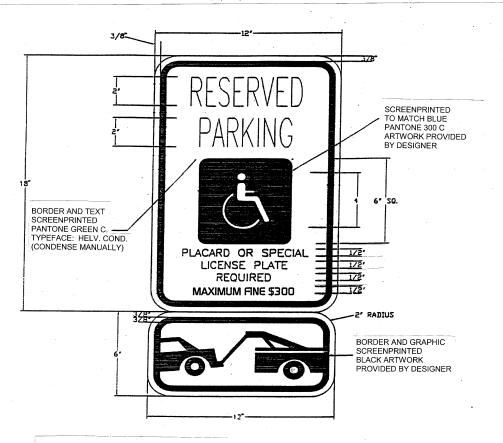
I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes that were adopted on _______ and filed with the Office of the Lieutenant Governor.

KAZU HAYASHIDA
Director
Department of Transportation

APPROVED AS TO FORM:

Deputy Attorney General

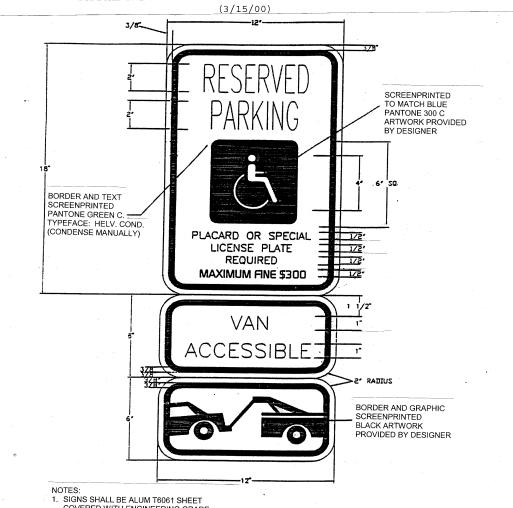
EXHIBIT 1 TYPICAL RESERVED PARKING SIGN FOR DISABLED PERSONS (3/15/00)



- NOTES: 1. SIGNS SHALL BE ALUM T6061 SHEET COVERED WITH ENGINEERING GRADE REFLECTIVE SHEETING
- 2. SIGN LETTERING SHALL BE UPPER- \
 CASE LETTERS OF THE TYPE APPROVED
 BY THE FEDERAL HIGHWAY ADMINISTRATION

EXHIBIT 2

TYPICAL RESERVED PARKING SIGN FOR VAN ACCESSIBLE STALL

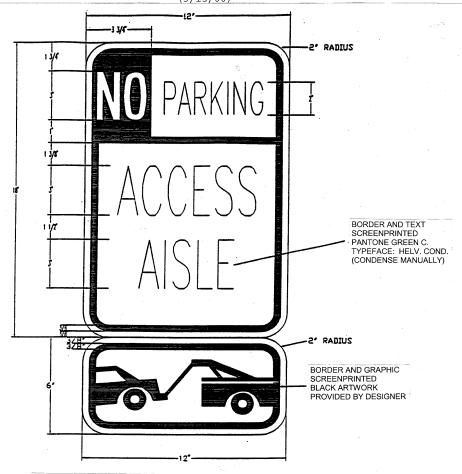


- 1. SIGNS SHALL BE ALUM T6061 SHEET COVERED WITH ENGINEERING GRADE REFLECTIVE SHEETING
- 2. SIGN LETTERING SHALL BE UPPER-CASE LETTERS OF THE TYPE APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION

EXHIBIT 3

TYPICAL ACCESS AISLE SIGN

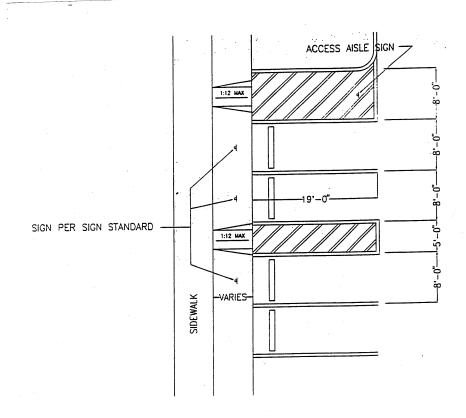
(3/15/00)



- NOTES: 1. SIGNS SHALL BE ALUM T6061 SHEET COVERED WITH ENGINEERING GRADE REFLECTIVE SHEETING
- SIGN LETTERING SHALL BE UPPER-CASE LETTERS OF THE TYPE APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION

EXHIBIT 4

TYPICAL PERPENDICULAR PARKING STALL (3/15/00)



NOTE: DIMENSIONS GIVEN FOR PARKING SPACES AND ACCESS AISLES AND SLOPES GIVEN FOR RAMPS ARE FOR INFORMATION PURPOSES.

EXHIBIT 5

TYPICAL ANGLE PARKING STALL FOR ONE WAY TRAFFIC (3/15/00)

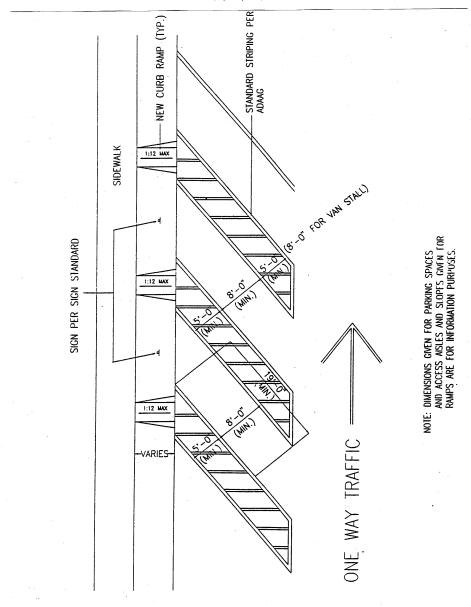
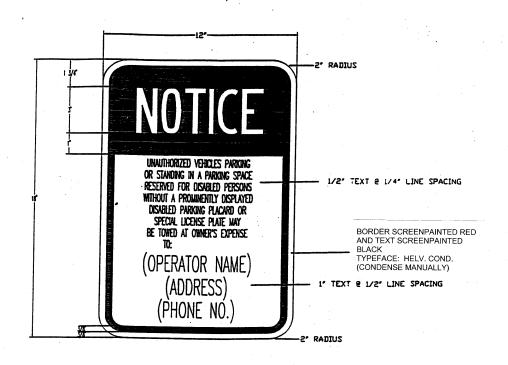


EXHIBIT 6

TYPICAL TOW INFORMATION SIGN

(3/15/00)



NOTES:

- 1. SIGNS SHALL BE ALUM T6061 SHEET COVERED WITH ENGINEERING GRADE REFLECTIVE SHEETING
- 2. SIGN LETTERING SHALL BE UPPER-CASE LETTERS OF THE TYPE APPROVED BY THE FEDERAL HIGHWAY ADMINISTRATION